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October 1, 2003

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VIA HAND DELIVERY

Ms Marlene Dortch, Secretary
Office of Managing Director
Federal Communications Commission
445 12th Street, S W
Room TW-B204
Washington, DC 20554

RECEIVED

OCT - 1 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms Irene Flannery
Vice President - High Cost and Low Income Division
2120 L Street, N W
Suite 600
Washington, D C 20037

**Re: High Cost Certification Pursuant to 47 C.F.R. §§ 54.313 and 54.314
CC Docket 96-45**

Dear Ms Dortch and Ms Flannery

On behalf of Highland Cellular, Inc., and Easterbrooke Cellular Corporation ("Companies"), we enclose herewith an Order of the West Virginia Public Service Commission affirming that several incumbent and competitive eligible telecommunications carriers, including the Companies, are using Federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(c) of the Communications Act of 1934, as amended.

Please return a date-stamped copy in the self-addressed envelope provided.

C

October 1, 2003

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Please contact the undersigned at 202-828-8430 if any questions arise concerning the attached Order or if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven M. Chernoff". The signature is fluid and cursive, with a large, stylized "S" and "C".

David A. LaFuria

Steven M. Chernoff

Counsel for Easterbrooke Cellular Corporation and
Highland Cellular, Inc

Enclosure

PUBLIC SERVICE COMMISSION

OF WEST VIRGINIA

CHARLESTON

At a session of the Public Service Commission of West Virginia, in the City of Charleston, on the 29th day of September, 2003.

CASE NO 03-0781-T-GI

GENERAL INVESTIGATION REGARDING
Certification of the disposition of federal universal
service funding by incumbent local exchange
telecommunications carriers and competitive
eligible telecommunications carriers in West Virginia
for calendar year 2004

COMMISSION ORDER

On May 21, 2003, the Commission's Consumer Advocate Division (the CAD) filed the "Consumer Advocate Division's Petition To Initiate a General Investigation." The CAD petitioned the Commission to initiate a general investigation regarding the certification of compliance with Section 254(e) of the Communications Act of 1934, (47 U S C. §254(e)), as

amended, (the Act), by all eligible telecommunications carriers (ETCs) in West Virginia for the calendar year 2004. Staff further petitioned the Commission to initiate a general investigation to establish conditions which should normally be imposed in any order granting ETC status and uniform standards regarding the certification of compliance with these conditions and with Section 254(e) by all ETCs in the State of West Virginia.

Staff filed its "Initial Joint Staff Memorandum" on July 16, 2003. Therein Staff recommended the Commission initiate two separate general investigations to address the CAD request.

By order entered August 5, 2003, the Commission granted the CAD's petition to initiate a general investigation regarding certification of the disposition of federal universal service funding for calendar year 2004 by (1) incumbent local exchange carriers (incumbent LECs or ILECs) and (2) competitive LECs that have been designated as eligible telecommunications carriers (ETCs) in West Virginia. In accordance with Staff's recommendations, the Commission ordered that ILECs and competitive ETCs file verified statements demonstrating that they use federal universal service support "only for the

provision, maintenance and upgrading of facilities and services for which the support is intended," consistent with Section 254(e) of the Telecommunications Act of 1996, by August 15, 2003. Commission Order Initiating A General Investigation, Case No. 03-0781- T-GI (August 5, 2003), at 2.

In accordance with the Commission's order, a number of carriers filed statements verifying that federal universal service funding is used only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Telecommunications Act of 1934, as amended. These carriers were:

August 12, 2003

Digital Connections, Inc.
Spruce Knob-Seneca Rocks Telephone, Inc.

August 13, 2003

Armstrong Telephone Company - Northern Division
Armstrong Telephone Company - West Virginia
Citizens Telecommunications Company of West Virginia, d/b/a
Frontier Communications of West Virginia
Hardy Telecommunications, Inc.

August 15, 2003

Highland Cellular, LLC

Easterbrooke Cellular Corporation
Verizon West Virginia Inc
West Side Telephone Co , d/b/a West Side Telecommunications

August 19, 2003
FiberNet, LLC

Two carriers, War Telephone Company and Gateway Telecom, LLC, doing business as StratusWave Communications, filed after the August 15, 2003, deadline. See FootNote ¹

On September 24, 2003, Staff filed a memorandum stating that it has reviewed the verified statements provided by the aforementioned carriers and recommended that the Commission enter an order finding that (1) Digital Connections, Inc , does not have ETC

status, (2) the carriers are using federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(c) of the Communications Act of 1934, as amended; and (3) it is appropriate to certify to the Federal Communications Commission (FCC) and Universal Service Administrative Company (USAC) that the carriers are eligible to continue receiving federal universal service support, based on those verified statements.

DISCUSSION

The Commission finds that the above mentioned telecommunications carriers, except Digital Connections, Inc , use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(c) of the Communications Act of 1934, as amended, and should be certified to receive Federal Universal Service support during January 1, 2004 to December 31, 2004. These carriers are either ILEC's or have been previously designated as ETCs by the Commission.

Digital Connections, Inc , should submit, under a separate filing, its request for ETC status.

ORDER

IT IS THEREFORE ORDERED that the following carriers are using Federal Universal Service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(c) of the Communications Act of 1934, as amended:

- (1) Armstrong Telephone Company - Northern Division
- (2) Armstrong Telephone Company - West Virginia
- (3) Citizens Telecommunications Company of West Virginia, d/b/a
Frontier Communications of West Virginia
- (4) Easterbrooke Cellular Corporation
- (5) FiberNet, LLC
- (6) Hardy Telecommunications, Inc
- (7) Highland Cellular, LLC
- (8) Spruce Knob-Seneca Rocks Telephone, Inc
- (9) Gateway Telecom, LLC, d/b/a
StratusWave Communications
- (10) Verizon West Virginia Inc
- ~~(11) War Telephone Company (12) West Side Telephone Co., d/b/a~~

- West Side Telecommunications

IT IS FURTHER ORDERED that it is appropriate to certify to the Federal Communications Commission and Universal Service Administrative Company that the above stated carriers are eligible to continue receiving federal universal service support for calendar year 2004, based on the verified statements submitted to the Commission.

IT IS FURTHER ORDERED that upon entry of this order, this case shall be removed from the Commission's docket of open cases

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this order upon all parties of record by United States First Class Mail and upon Commission Staff by hand delivery

A True Copy, Teste:

Sandra Squire
Executive Secretary

ARC
LFG/s
030781ca wpd

Footnote 1¹ StratusWave Communications filed on August 26, 2003, and War Telephone Company filed on September 3, 2003. The Commission will address the filings on a substantive basis.